HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.24917 of 2004

Dated:23.11.2006

Between:

Parika Chandraiah.

…Petitioner

and

The Mandal Revenue Officer.

…Respondents

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.24917 of 2004

ORDER:

The petitioner filed the present Writ Petition seeking a writ of mandamus declaring the action of the respondent in passing the impugned order dated 10.12.2004 as illegal and arbitrary, and for a consequential direction to set aside the same. Though interlocutory matters are listed, the matter is heard finally and is being disposed of by this order, as the controversy is in a narrow compass.

The land admeasuring Acs.8.00 in Survey No.72/8 situated at Battisawargaon Village of Adilabad Mandal and District, was assigned to one Sunkari Rajiga, S/o.Baddiga, in 1952 or 1953 under Laoni Rules of 1950. He sold the land to one Sk.Jalal on 07.07.1970 from whom the petitioner purchased the said property in 1980. The respondent herein issued the impugned proceedings bearing No.C/10658/2004, dated 10.12.2004, cancelling the assignment for violation of Section 3(2) of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act'), and ordered resumption of the land under Section 4 of the Act, assailing which, the present Writ Petition is filed.

It is mainly contended that the Mandal Revenue Officer did not follow the procedure by issuing notice in Form No.I as per Rule 3 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Rules, 1977, and therefore, the impugned order is bad. Though counter affidavit is filed tracing the history and nature of the land, this is not specifically

denied. Therefore, the impugned order is unsustainable for want of notice.

Accordingly, the Writ Petition is disposed of. The impugned order of the Mandal Revenue Officer is set aside and the matter is remitted to the respondent to conduct a fresh enquiry after giving notice to the petitioner, and pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order. No costs.

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(V.V.S.RAO, J)

23.11.2006
vs